

4.13 Professional Office District “PO”

- 4.201 Purpose. To establish and provide for office and related uses serving as an incentive to remodel older residential structures which may not be appropriate to maintain as dwellings. Retail sales shall be prohibited.
- 4.202 Permitted Uses. In general, offices for business professionals, medical and dental, banks, savings and loan companies, brokers and credit agencies where drive-in facilities are not permitted.
- 4.203 Conditional Uses. Veterinarians offices, banks, credit agencies, savings loan companies with drive-in facilities, nursery schools, day nurseries, child care centers, privately owned parking lots or structures , mixed use with residential units above, and uses noted in the use table.
- 4.204 Bulk Density and Height for residential uses shall comply with 4.174 “RL” district regulations. Non-residential or mixed uses are as follows:*

A)	Minimum lot area	7,000 sq. ft.
B)	Minimum lot frontage	60 ft.
C)	Minimum front yard	25 ft.
D)	Minimum side yard	12 ft.
E)	Minimum rear yard	12 ft.
F)	Maximum lot coverage	35 %
G)	Maximum building height	3:1 height to yard ratio
<u>A)</u>	<u>Minimum open space</u>	<u>n/a</u>

~~A)~~B) Properties located between the Kentucky River and Third Street and west of Capital Avenue and east of Ewing St. may continue the use the existing front, side, and/or rear setback for additions, without the need of a variance.

* For Additional requirements, see Section 4.08, Bulk Density and Height Table.

- 4.205 Off-Street Parking as required in Article 12. Exception: Properties located between the Kentucky River and Third Street and west of Capital Avenue and East of Ewing St. are allowed to meet the parking requirements found within the SC district.
- 4.206 Design Requirements. Landscaping shall be provided in accordance with Article 7, Landscape Regulations.

4.14 General Commercial District “CG”

4.221 Purpose. To permit commercial development of community serving nature predominantly in areas already developed and where a change in development pattern is in accordance with the comprehensive plan. To preserve the carrying capacity of streets and to insure adequate parking. To provide concentrations of general commercial activities.

4.222 Permitted Uses. In general; retail, office and service uses are permitted. Detailed uses are listed in the use table.

4.223 Conditional Uses. Helicopter landing pads, tire recapping, warehousing facilities in conjunction with permitted principal uses, multifamily residential uses when abutting a residential district, [mixed use with residential units above, and uses noted in the use table.](#)

4.224 Bulk Density and Height*

A)	Minimum lot area	None
B)	Minimum lot Frontage	40 ft.
C)	Minimum front bldg. line setback	20 ft.
D)	Minimum side yard	5 ft.
E)	Minimum rear yard	5 ft.
F)	Maximum lot coverage	50 %
G)	Maximum height	75 ft.
H)	Minimum floor area ratio	2.4

[I\) Properties located between the Kentucky River and Third Street and west of Capital Avenue and east of Ewing St. may continue the use the existing front, side, and/or rear setback for additions, lot coverage is allowed up to 90% and no floor area ratio required; and may be administratively approved without the need of a variance.](#)

* For Additional requirements, see Section 4.08, Bulk Density and Height Table.

4.225 Off-street Parking. In accordance with use and requirements of Article 12 [Exception: Properties located between the Kentucky River and Third Street and west of Capital Avenue and East of Ewing St. are allowed to administratively meet the parking requirements found within the CB district.](#)

4.226 Design Requirements

- A) In any newly proposed “CG” district, cross access to adjacent land or development site should be provided. Direct access from an arterial street shall be discouraged. *(amended 7-24-06 Ord # 15, 2006)*
- B) Landscaping shall be provided in accordance with Article 7, Landscape Regulations.
- C) Any residential uses provided in the “CG” district shall comply with the standards established in the “RH” district (Section 4.18).

4.24 Central Business District “CB”

4.241 Purpose. To establish and preserve a central business district convenient and attractive for a wide range of retail uses, business offices, government and professional offices in a setting conducive to a volume of pedestrian traffic. To protect the historic character of downtown Frankfort by granting the Architectural Review Board the power to review permits for all construction, building additions, remodeling, demolition or moving of structures into or out of the Central Business District, when a certificate of no exterior effect cannot be administratively approved.

4.242 Permitted Uses. Retail, office, multi-family residential uses, mixed uses (to encourage live above work opportunities), churches and schools, as well as other uses as indicated in the use table but specifically excluding automotive service uses.

4.243 Conditional Uses. Parking lots and parking structures.

4.244 Bulk Density and Height *

- A) Minimum lot size – None
- B) Minimum frontage – None
- C) Front yard requirements – No front yard requirements, except front yards with a setback ~~or of~~ no more than five (5) feet shall be permitted along 200 and 300 blocks of West Main Street, St. Clair Street and the 200 and 300 blocks of Broadway.
- D) Minimum rear yard – None, except where parking is provided in rear of building, minimum shall be twenty-five (25) feet.
- E) Maximum lot coverage – 80 % with side or rear access and 100 % with front access only.
- F) Maximum height – ~~40-50~~ feet, or within 10 percent of the average height of existing adjacent buildings or any height deemed appropriate by the Architectural Review Board provided that the relationship between the width and height of street façade elevations is proportional to the relationships of street façade elevations of existing adjacent buildings.
- G) Maximum floor area ratio – 3.2
- H) Maximum density - None.

* For Additional requirements, see Section 4.08, Bulk Density and Height Table.

4.245 Off-street Parking. No off-street parking is required.

4.246 Design Criteria. The Central Business Zoning District ~~in Frankfort~~ is primarily located in ~~listed on~~ the National Register of Historic Places as a Historic Commercial District known as the Central Frankfort National Register Historic District. Development and redevelopment should be aimed at preserving that character. The following ~~guidelines requirements~~ shall be used for all Contributing Structures by the Planning and Building Codes Department as well as the Architectural Review Board in determining if new construction, moving a structure into the district, exterior renovations, maintenance,

repair, or demolition is appropriate to the district. Non-contributing structures are exempt from this subsection. See also the design guidelines for this district that are provided for any structure seeking local, state, or federal funding or tax credits as well as the City of Frankfort's "A Guide for Downtown Improvements" published April 1981.

~~A) No permit for the construction, demolition, building additions or moving of a structure in the central business district shall be issued by the building inspector unless the Architectural Review Board certifies that the building permit or demolition permit may be issued. The procedure for issuance of such a certificate shall be the same as provided in Article 17.~~

~~B) The exterior rehabilitation of a structure shall complement the architectural integrity of the facade and shall be compatible with the faces of nearby buildings. For additional design guidelines, reference is made to the City of Frankfort's "A Guide for Downtown Improvements" published April 1981 and Section 17.10 of Article 17—Architectural Review Board. The guidelines of Article 17 shall prevail in the case of any conflicts between the two guidelines.~~

~~E)~~A) Vacant lots resulting from an approved demolition shall be filled and smooth graded to street grade. ~~;~~ with sod installed. Furthermore, ~~Street~~ street frontages of at least five (5) feet deep shall be landscaped and maintained until new construction ~~had~~ has been started, in accordance with perimeter landscaping requirements for vehicular use area in Article 7, Landscape Ordinance. Alternative: rather than removing the foundations or filling in after demolition, the owner may select to build a 6' tall brick wall along the entire property line(s) visible from the public street.

~~A.~~ B) The establishment of courts, plazas ~~and or extra~~ building setbacks greater than 5 feet along West Main St., St. Clair and the 200 to 300 blocks of Broadway are prohibited. Courts and plazas shall be encouraged at the interior or rear of the sites fronting these streets.

C) New construction: The existing relationship between the width and height of the street front elevation(s) of the building (s) in the immediate area shall be maintained. This includes the height of windows, doors and other openings; exterior materials; and rhythm of entrances and/or projections. All new construction and additions equaling 40% or more of the existing square footage shall require review and approval by the Architectural Review Board. The purpose is not to have a new building built that looks like an old structure, rather to have a new building built that while may be contemporary, it will be compatible to the block and fit the scale, setbacks, and character of the block.

D) Existing architectural features that give buildings their character, such as decorative piers, columns, brackets and cornice work, decorative brickwork, and terra cotta shall be preserved, retained, repaired or replicated.

E) **Masonry:** When the exterior masonry of a structure must be repaired, the color, texture, and pattern (where applicable) shall duplicate the original. Brick and mortar may be painted, while limestone and bedrock shall not be painted or concealed. Sandblasting shall not be permitted.

- F) **Siding:** Wood clapboard siding, fiber cement (and similar material excluding metal or vinyl) may be approved administratively. Buildings already having artificial stone, asbestos, asphalt shingles, and other similar materials, shall be permitted to use similar materials. Siding shall not be used to cover or replace brick walls or natural stone walls, or original architectural building features.
- G) **Roofs:** New roofing and replacement/repair shall be appropriate to the style and period of the building and shall match the old in shape. Tile and/or slate roof material shall be maintained. All other roof material may be maintained as is or replaced to tile, slate or metal - if metal roof is non-corrugated and has standing seams with a minimum 15 inches wide panels (between seams). Any other new roof material requires approval by the Architectural Review Board. All architectural features that give the roof its essential character, such as dormer windows, cupolas, cornices, brackets, chimneys, cresting and weather vanes, shall be maintained.
- H) **Gutters and Downspouts** Box gutters shall be preserved and repaired or replaced with the same style box gutters on all elevations visible from a public side walk. All hanging gutters and downspouts may be repaired or replaced with the same style and design. All new hanging gutters shall be half-round and new downspouts shall be round unless otherwise approved by the Architectural Review Board. Modern K-style gutters are allowed on rear elevations.
- I) **Windows:** The original pattern of window openings and their shape and configuration shall not be altered. Replacement windows contrary to original window material are allowed when not visible from the public side walk (excluding alleys); Replacement windows on street level elevations visible from public sidewalk are to match original material. Replacement windows on upper floors visible from the public side walk may be same material, wood with aluminum or vinyl clad. Snap-in grids or grids between panels of glass that give a false appearance of a multi-pane are not allowed. Installation of new window openings shall be of the same size and at the same proportion as existing openings. Window trim shall be repaired or replaced with material that is the same width as existing. All trim shall be painted to match. For any structure individually listed as a National Register of Historic Places (i.e. Old Governor's Mansion) ALL windows shall be repaired or replaced with same material and design.
- J) **Doors:** Door openings shall not be reduced, enlarged, or filled in on street facades. Original transoms shall be retained. The size, proportion, shape, design, and configuration of the original door shall be maintained or duplicated as closely as possible. Where new doors are proposed to be installed where there are no existing openings, the new openings shall be of the same size and at the same height as existing openings.

- K) **Porches and Decks:** Porches or attached additions shall be retained. When a new porch is added where one does not exist, the porch shall be compatible with the building in terms of the materials and their texture, color, and scale. The detailing of the components of the porch, including roofs, railings and trim shall be compatible with the existing building. Decks on the rear and side elevations of a structure are permissible.
- L) Any addition of an exterior handicap ramp shall be compatible with the existing building to the maximum extent possible.
- M) **Walls and Fences** Within the front yard (excluding alleys), fence materials (including gates) shall be masonry (stone or brick), or wrought iron. Existing metal or masonry fences/walls shall not be replaced with other materials, unless authorized by the Architectural Review Board. Maximum height shall be 6 feet along the front and 8 feet on side and rear, provided finished side of fences are facing out and the maximum height may be reduced due to public safety concerns during permit review.
- N) **Awnings:** shall not obscure significant architectural features or require their removal.
1. New awnings shall be of a size, shape, and color which is compatible with the building's architectural style.
 2. Awnings shall be constructed of canvas or other pliable material that meet Fire Codes. Metal or other rigid awnings shall not be used. Flame retardant canvas and or self extinguishing materials that resemble canvas such as 100% acrylic are acceptable. Vinyl materials shall not be allowed.
 3. Awnings may incorporate signs, as long as the sign does not exceed the size requirement for a fascia sign. Addresses on awnings are not considered signage.
- O) **Facades/Storefronts:** Traditionally, commercial buildings have a well-defined opening that contained the original storefront and is usually exclusively confined to the first floor of the building. Storefronts shall never be enlarged to encompass additional floors, unless it can be determined that this was the original design of the building.
1. Piers or columns that divide the storefront into bays, and lintels or cornices that separate the storefront from the upper floors shall not be covered or removed
 2. Windows shall not be filled in and the existing sill height shall be maintained.
 3. Original transoms, window configurations, doors, and ornamentation shall be retained and repaired whenever possible, or replaced with similar materials as needed. Where no original materials or detailing remains, new work shall be compatible with the original character of the building.

4. Storefronts shall be located in the plane of the front façade. Storefronts which have major projections beyond the front façade of the building are not appropriate and shall be avoided. The entry to the building shall, however, be slightly recessed to provide a sheltered entry to the building. For exterior swing doors, the depth of the recess shall be greater than the width of the proposed door.
5. Storefronts that are not original but have their own unique or historic character or design shall be retained and repaired.
6. In the event that the original storefront has been removed or irreparably damaged, a new front consistent with the architectural style of the overall structure shall be constructed.
7. When designing new storefronts, scale, materials, proportion, color and number and size of window openings shall all be considered.
8. Materials and design elements such as mansard roofs with wooden shingles, rough textured wood siding, and fake bricks or stone are not appropriate materials for commercial storefronts and shall be avoided.
9. The storefront shall be designed with large quantities of clear glass, approximately 75% of the storefront area.
10. Storefront window glass shall be clear. Mirrored or shaded glass shall not be used, unless substantial evidence that the original building contained such glass.
11. Appropriate materials shall be selected to repair and replace storefronts. Materials such as vinyl and aluminum siding are not appropriate. Where aluminum window frames are used to replace those that were originally wood, the exterior frames shall be either anodized aluminum or painted.
12. The proportions of the elements of the storefront shall be appropriate to the overall design of the building, as well as to the original storefront. Vertical proportions are much more common than horizontal. Proportions of the storefront cornice, the window elements and the door openings are all important considerations, and these individual elements were often constructed with similar proportions. Alterations to the original architecture shall not be made to “improve” the design of the building.

4.247 Bonuses for New Construction. To encourage new construction compatible with the intent of the district, the following bonuses may be granted:

- A) For providing off street parking within a building but not along frontage of a retail street, lot coverage permitted may be increased to 100 % and the area devoted to parking shall not be included in determining the floor area ratio (F.A.R.) in 4.244.G. Height may be increased to 60 feet and F.A.R. may be waived.
- B) For providing pedestrian plazas or landscaped or open spaces in interior courts or along the Kentucky River, height may be increased twenty-five percent (25 %) and F.A.R. may be ~~increased to 4.0~~ waived.

- C) For providing ~~retail facility on street frontage of office or residential~~ or mixed use on upper floors of the structures, the F.A.R. may be ~~increased to 4.0~~ waived.
- D) Signage square footage may be increased by 50% for the site.

4.248 ~~Central Business District~~ Sign Regulations (signs contrary to the following may be considered by the Architectural Review Board.)

- A) ~~No signs~~ Signs shall not ~~obstruct window or door openings or~~ cover architectural detailing in a manner which alters the integrity of the building.
- ~~B) One sign shall be permitted per street frontage or per tenant.~~
- ~~C) B)~~ A maximum of five percent (5%) 1:1 ratio of linear store front width to square foot of signage of the storefront area of any building may be devoted to signs. In instances of multiple tenants, multiple signs may exist provided the total area of sign space does not exceed this limit. In no case shall a tenant be restricted to less than ~~two (2)~~ four (4) square feet of sign. The responsibility to see that each tenant receives a portion of this allowable sign space rests solely with the property owner.
- ~~D) C)~~ Where the property owner chooses to use a portion of the sign area to give the building a specific name (i.e.. – ABC Office Building), each tenant will be permitted one (1) sign, not to exceed two (2) square feet, to be flush mounted on the façade. The sum total of such signs shall not exceed five (5%) fifteen (15) square feet of the storefront area of the building to which they are attached. This signage is in addition to (B) above.
- ~~E) D)~~ Fascia signs are permitted provided they are placed on the lintel above the storefront or in the transom window area. Such signs must be flush mounted. See the illustration at the end of this section for the permitted locations of fascia signs. Exceptions-when the building does not include the architectural detail(s) of a lintel or transom, an alternative location may be determined by the planning staff-with consultation of the Architectural Review Board chairperson, when the proposed sign is appropriate and compatible to the building's design.
- ~~F) E)~~ Window signs are permitted provided such signs do not exceed five twenty-five percent (25 %) of the display window area. By definition, window signs shall include those painted-applied on the window surface, both-either inside and-or outside; as well as those located within the display area in order to direct attention to the use. One window sign per display window is permitted; however, the total square footage of each permitted window shall not be combined into a single sign. See the illustration at the end of this section for the permitted location of window signs.
- ~~G) F)~~ No sign shall be internally illuminated, unless approved by the Architectural Review Board.
- ~~H) G)~~ Signs painted directly on the wall surface of a building shall require the approval of the Architectural Review Board.

~~I) Except as provided above, signs not placed on lintels, transoms or display windows shall require Architectural Review Board approval before a sign permit can be issued.~~

H) Hanging signs which are four (4) square feet or less and do not extend further than thirty-two (32) inches from the face of the building with a minimum of 8 feet of vertical clearance or 14 feet of vertical clearance when no sidewalk is present shall be administratively approved. Hanging signs are in addition to (B) above.

~~H) Any signage~~ Any signage which does not meet any part of ~~this~~ these criteria shall require Board approval. ~~(ORD 12-1997)~~

~~K)J) For additional sign regulations, see Article 13~~



4.40 Special Historic Districts

4.401 Purpose. To protect certain areas of the City of Frankfort having significant historic or architectural character by granting the Architectural Review Board the power to review permits for all variances, conditional use permits, construction, demolition or moving of structures within the district, when a certificate of no exterior effect cannot be administratively approved.

4.402 Permitted Uses.

A. Residential Uses:

1. Single, detached dwelling
2. Two dwelling, attached or semi-attached

B. Mixed use of professional office use or retail uses on the first floor and residential use(s) on same or above floors.

~~B.C.~~ Public/ Semi-Public:

- 1) Churches
- 2) Libraries and museums
- 3) Charitable Indigent Limited Care Facility, provided that use shall comply with all criteria in Article 4.06 (20).

4.403 Conditional Uses. The Architectural Review Board may grant conditional use permits for the following uses.

~~1.3.~~ Public/Semi-Public:

- 1) Day Care and child nursery (per Article 19.061 - RS District)
- 2) Major Home occupations
- 3) Parks and playgrounds
- 4) Private clubs
- 5) Schools

~~2.4.~~ Retail Sales, Services:

- 1) Antiques
- 2) Apparel and fabric
- 3) Flower, gift, jewelry
- 4) Specialty
- 5) Restaurant

~~3.5.~~ Funeral Services

~~4.6.~~ Parking lots and parking structures

~~5.7.~~ Multiple dwellings and townhouses, attached (density same as RL)

~~6.8.~~ Business and professional offices

~~7. Two dwelling, semi-attached~~

~~8. Mixed use of professional office use or retail uses on the first floor and residential use(s) on the second/third floors.~~

9. Bed and Breakfast facility per Article 19

10. Secondary detached residence of 900 sq.ft. or less: i.e. guest unit.

4.404 Bulk and Density. Because of the wide range of existing density and lot sizes in older neighborhoods, lot size shall be similar but not smaller than those within the same block.~~no specific density or setbacks shall be established.~~ Development and redevelopment shall be consistent with the character and the maximum density of the ~~neighborhood~~ 14 units per acre for multi-family. Setbacks shall be the same as the existing setbacks or an average of the adjacent lots within the same block with accessory structures following Article 6. ~~The bulk and density of new uses or structures shall be determined by the Architectural Review Board, with the exception to setbacks, which can be administratively approved for fences or walls; and for additions or accessory structures that meet the existing setbacks on the property.~~ Building height is limited to 2 stories, lot coverage is limited to 70%. No FAR is required.

4.405 Height requirements: maximum height is 45 feet.

4.406 Signs. Building identification: One (1) non-illuminated ~~or indirectly illuminated~~ identification sign limited to one (1) for each street frontage not to exceed four (4) square feet in area and indicating only the name ~~and address~~ of the building ~~and the name of the management.~~ If free standing, the sign shall be a ground monument sign and set back from the street a distance of at least ~~ten (10)~~ five (5) feet from the ~~curb line~~ property line. Maximum height of ~~free standing monument~~ sign shall be eight ~~(8)~~ six (6) feet with a maximum width of four (4) feet. Signage size may be increased to 8 sq.ft. for corner lots that provide only one sign.

Business identification: One (1) non-illuminated ~~business fascia or hanging sign~~ for each tenant or lessee located on the premises, limited to two (2) square feet in area. Signs , mounted on the façade of the building ~~and shall not projecting~~ more than six (6) inches from the façade of the building. hanging signs shall provide clearances of a minimum 8' from sidewalk and project not more than 2' from the building, ground monument signs are not allowed unless otherwise approved by the Architectural Review Board with a maximum of 4 square feet and 6 feet in height.

Retail commercial uses may have signs increased to those as permitted in article 13, when approved by the ARB and shall be limited to only fascia mounted and non-internally illuminated.

All signs shall not cover nor cause the removal of any decorative feature of the building.

4.407 Off-street Parking. In accordance to Article 12.

4.408 Design Criteria. The properties zoned Special Historic Districts in Frankfort ~~may be~~ are located in the Central Frankfort National Register of Historic District (formerly Corners

of Celebrities) and listed on the National Register of Historic Places~~as historic districts.~~
The following requirements shall be used by the Planning and Building Codes Department as well as the Architectural Review Board in determining if new construction, moving a structure into the district, exterior renovations, maintenance, repair, or demolition is appropriate to the district. See also the unique design guidelines for this district that are provided for any structure seeking local, state, or federal funding or tax credits or other approvals contrary to these requirements. ~~Development and Redevelopment shall observe the following design criteria~~ Non-contributing properties are exempt from this subsection:

- A) Assure the continuity of architectural styles, building mass and density, as well as the overall character of the area.
- B) Protect the open space and landscape features of the district.
- C) Vacant lots resulting from an approved demolition shall be filled and smooth graded to street grade; with sod installed.~~Conform to the applicable requirements of Article 17 of this ordinance.~~
- D) New construction: The existing relationship between the width and height of the street front elevation(s) of the building (s) in the immediate area shall be maintained. This includes the height of windows, doors and other openings; exterior materials; and rhythm of entrances and/or projections. All new construction or additions equaling 40% or more of existing square footage shall require review and approval by the Architectural Review Board (excluding sheds and decks less than 120 sq.ft.). The purpose is not to have a new building built that looks like an old structure, rather to have a new building built that while may be contemporary, it will be compatible to the scale, setbacks, and character of the block.
- E) Existing architectural features that give buildings their character, such as decorative piers, columns, brackets and cornice work, decorative brickwork, and terra cotta shall be preserved, retained, repaired or replicated.
- F) **Masonry:** When the exterior masonry of a structure must be repaired, the color, texture, and pattern (where applicable) shall duplicate the original. Brick and mortar may be painted, while limestone and bedrock shall not be painted or concealed. Sandblasting shall not be permitted. If an original detail, such as a cornice, is deteriorated beyond repair or missing, it shall be replaced with a newly designed detail appropriate in scale, material, and proportion. A simplified design may be used.
- G) **Siding:** Wood clapboard siding, fiber cement (and similar material excluding metal or vinyl) may be approved administratively. Buildings already having artificial stone, asbestos, asphalt shingles, and other similar materials, shall be permitted to use similar materials. Siding shall not be used to cover or replace

brick walls or natural stone walls. Exterior paneling is prohibited, except upon accessory structures less than 120 sq.ft.

- H) **Roofs:** New roofing and replacement/repair shall be appropriate to the style and period of the building and shall match the old in shape. Tile roof and slate roof material shall be maintained. All other roof material may be maintained as is or replaced to tile, slate or metal - if metal roof is non-corrugated and has standing seams with minimum 15 inches wide panels (between seams). Any other new roof material requires Architectural Review Board Approval. All architectural features that give the roof its essential character, such as dormer windows, cupolas, cornices, brackets, chimneys, cresting and weather vanes, shall be maintained. Skylights, roof decks and roof gardens may be permitted if they do not detract from the architectural integrity of the building. Television antennae, satellite dishes or similar items and mechanical equipment such as air conditioning units shall be placed in an inconspicuous location where they will not detract from the character of the building
- I) **Gutters and Downspouts** Box gutters shall be preserved and repaired or replaced with the same style box gutters on all elevations visible from a public side walk. All hanging gutters and downspouts may be repaired or replaced with the same style and design. All new Hanging gutters on front elevations shall be half-round and new downspouts shall be round unless otherwise approved by the Architectural Review Board. Modern K-style gutters are allowed on rear and side elevations.
- J) **Windows:** The original pattern of window openings and their shape and configuration shall not be altered. Replacement windows contrary to original material are allowed when not visible from the public side walk (excluding alleys). Replacement windows on elevations visible from public side walk are to match existing or original material. Snap-in grids or grids between panels of glass that give a false appearance of a multi-pane are not allowed. Installation of new window openings shall be of the same size and at the same proportion as existing openings. Existing 6-over-6, 4-over-4, or 2-over-2 window sash may be replaced with 1-over-1 window sashes. Storm windows are allowed. Window trim shall be repaired or replaced with material that is the same width as existing. All trim shall be painted to match. Any structure individually listed as a National Register of Historic Places (i.e. Liberty Hall) shall repair or replace all windows with same material.
- K) **Shutters and Awnings:** New shutters shall match the old or existing in size, shape and texture. Shutters shall be of scaled size to cover the entire window if closed and they shall not overlap when open. Shutters are not required to be functional. Awnings may be replaced at the same size and same material as existing or documented – new awnings require Architectural Review Board approval.

L) **Doors:** Whenever possible, the building's original door(s) and door trim shall be retained and/or repaired. Door openings shall not be reduced, enlarged, or filled in on street facades. Original transoms shall be retained. The size, proportion, shape and configuration of the original door shall be maintained or duplicated as closely as possible if replaced. Where new doors are proposed to be installed where there are no existing openings, the new openings shall be of the same size and at the same height as existing openings.

M) **Porches and Decks:** Existing porches or attached additions shall be retained or replaced. When a new porch is added where one does not exist, the porch shall be compatible with the building in terms of the materials and their texture, color, and scale. The detailing of the components of the porch, including roofs, railings and trim shall be compatible with the existing building. Decks on the rear and side elevations of a structure are permissible. **(add/compare language from Form Code here)** Any addition of an exterior handicap ramp shall not require the Board approval. The material and design shall be compatible with the existing building to the maximum extent possible.

N) **Walls and Fences:** Within the front yard (excluding alleys), fence materials (including gates) shall be masonry (stone or brick), and/or wrought iron or cast iron, and/or painted wood picket. Existing metal or masonry fences/walls/gates shall not be replaced with other materials, unless authorized by the Architectural Review Board. Privacy Wood fences may exist on the sides (from front elevation to rear property line) and in the rear yard or along the rear property lines up to six (6) feet in height. Fences within the front of the building shall not exceed four (4) feet in height, unless part of a masonry wall, then maximum height is increased to six (6) feet. Finished side of fences shall be facing out in this district.

4.409 Bonuses for New Construction. To encourage new construction compatible with the intent of the district the following bonuses may be granted:

- A. For providing off street parking along the side or rear of building ~~within a building but not long frontage of a retail street~~, lot coverage permitted may be increased to 100% ~~and the area devoted to parking shall not be included in determining the floor area ratio (F.A.R.).~~ Parking setbacks may be reduced to 1 foot on side and rear.
- B. For providing pedestrian plazas ~~or landscaped~~ or open spaces in interior courts or along the Kentucky River (i.e. extension of river walk), height may be increased ~~twenty five percent (25%) to 4 stories~~ and ~~F.A.R. may be increased to 4.0~~ required parking may be reduced by 50%.
- C. For providing ~~retail~~ a mixed use facility ~~on street frontage~~ of office or retail with or residential above, ~~structures, the F.A.R. may be increased to 4.0~~ parking may be reduced by 25% for the non-residential use and no off street parking is required for the residential use.

4.41 Special Capital District

4.411 Purpose. To establish a zoning district to encourage the renovation, rehabilitation and preservation of older neighborhoods in Frankfort that have special or unique features or important associations with the City's historical development. These neighborhoods may not have the substantial architectural and historical significance of the Special Capital District, but have a definable characteristic, architectural period or living environment substantially different from those existing or intended in regular zoning districts. The Architectural Review Board shall have the power to review permits for all conditional uses, variances, construction, demolition or moving of structures within the district, when a certificate of no exterior effect cannot be administratively approved.

4.412 Permitted Uses.

A) Single or two family dwelling units (attached or detached);

B) Properties with frontage on Capital Avenue, Shelby Street, or Second Street may have Mixed use of professional office and one or two family residential units in same building; Professional Offices and/or Retail commercial when limited to 3,000 square feet of floor area; or sit down restaurant/café when limited to a gross floor area of 1,500 sq. ft.

4.413 Conditional Uses. The Architectural Review Board may grant conditional use permits for the following uses.

~~A. Mixed use such as professional office use or retail uses with residential unit or units within the same building—provided all other applicable requirements within this Article and Article 17 are satisfied.~~

~~B.~~ A. Multi-family units (three or more units) in new or existing structures provided that with the maximum density requirements of the RL zone of 8 units per acre and each interior unit shall have a minimum of 700 sq.ft. per unit. not be exceeded and provided that usable open space at least be as much as the average of other structures within the same block. A variance to the minimum unit size is allowed to be submitted in this district only.

~~C. Professional offices limited to the conversion of existing structures and provided that open space, exclusive of building or other paved area, is at least equal to the average of open space for structures within the same block, but not less than twenty percent (20%) of lot area.~~

~~D. Retail commercial when limited to 3,000 square feet of floor area for retail use or sit down restaurant/café when limited to a gross floor area of 1,500 sq. ft. Any such use must directly service the surrounding neighborhood and must be located on a collector or arterial street; or located on Second Street between Capital Avenue and Logan Street.~~

B. Professional office or Retail commercial over 3,000 square feet of floor area for retail use; or sit down restaurant/café over a gross floor area of 1,500 sq. ft.

E.C. New syndicates provided that no manufacturing or distribution takes place on site.

F.D. Community Centers, boarding homes or shelters, ~~provided that parking is provided and that landscaping is provided.~~

G.E. Child day care facilities meeting all requirements of Article 19 - RS District.

H.F. Bed and Breakfast facility per Article 19.

I.G. Confectionery Manufacturing with associated retail and storage provided the following conditions are met:

1. A demolition of existing principal building(s) shall not be permitted.
2. New construction of additions related to the use of confectionery will be permitted subject to a certificate of appropriateness issued by the Architectural Review Board and a Final Development Plan (per Article 5) being approved by the Planning Commission.

4.414 Bulk and Density. Because of the wide range of existing density and lot sizes in older neighborhoods, ~~no specific density or setbacks shall be established~~ lot size shall be similar but not smaller than those within the same block. Setbacks shall be the same as the existing setbacks or an average of the adjacent lots within the same block with accessory structures following Article 6. Building height is limited to 35 feet and 2 stories (exception to 35' height are structures required to be elevated per flood requirements), lot coverage is limited to 70%. No FAR is required. Two units per lot by right, 3 or more family units require conditional use permit-see conditional uses. ~~Development and redevelopment shall be consistent with the character and density of the neighborhood. The bulk and density of new uses or structures shall be determined by the Architectural Review Board. (ORD 5-2003), with the exception to setbacks, which can be administratively approved for fences and walls; and for additions or accessory structures that meet the existing setbacks on the property.~~

4.415 ~~Maximum Height. Forty-five (45) feet~~ reserved.

4.416 Signs.

4.401 Building identification: One (1) non-illuminated identification sign limited to one (1) for each street frontage not to exceed four (4) square feet in area and indicating only the name of the building. If free standing, the sign shall be a ground monument sign and set back from the street a distance of at least five (5) feet from the property line. Maximum height of monument sign shall be eight six (6) feet with a maximum width of four (4) feet. Signage size may be increased to 8 sq.ft. for corner lots that provide only one sign.

Business identification: One (1) non-illuminated fascia or hanging sign for each tenant or lessee located on the premises, limited to two (2) square feet in area. Signs mounted

on the façade of the building shall not project more than six (6) inches from the façade of the building, hanging signs shall provide clearances of a minimum 8' from sidewalk and project not more than 2' from the building. Ground monument signs are allowed with a maximum of 4 square feet and 6 feet in height per street frontage.

Retail commercial uses may have signs increased to those as permitted in article 13, when approved by the ARB and shall be limited to only fascia mounted and non-internally illuminated.

All signs shall not cover nor cause the removal of any decorative feature of the building.

- ~~A. — For any nonresidential use within a residential structure signs are limited to two (2) square feet and shall be mounted flush on the façade of the structure.~~
- ~~B. — Identification signs for any residential complex may be two (2) square feet for each 100 feet of street frontage to a maximum of eight (8) square feet and may be flush mounted fascia or ground signs.~~
- ~~C. — Identification of professional offices may be two (2) square feet for each 100 feet of street frontage to a maximum of eight (8) square feet and may be fascia or ground mounted. In addition, each separate office may have a sign limited to two (2) square feet fascia mounted.~~
- ~~D. — Retail commercial uses may have signs as permitted in article 13, however shall be limited to only fascia mounted and non-internally illuminated.~~
- ~~E. — All pole signs are prohibited.~~

4.417 Off Street Parking. Off street parking for a proposed land use shall be provided in accordance with the requirements of Article 12.

4.418 Design Criteria. The Special Capital zoning district is within the National Register of Historic Places known as the South Frankfort Neighborhood National Register Historic District. Development and redevelopment should be aimed at preserving that character. The following requirements shall be used by the Planning and Building Codes Department as well as the Architectural Review Board in determining if new construction, moving a structure into the district, exterior renovations, maintenance, repair, or demolition is appropriate to the district. ~~At the time of application for any building, remodeling, demolition or moving a structure, or variance or change of use permit when a conditional use permit is required, or for any permit for new construction, the Architectural Review Board shall review and building and site plans to~~ See also the design guidelines for this district that are provided for any structure seeking local, state, or federal funding or tax credits: Non-contributing are exempt from this subsection.

- A. Assure the continuity of architectural styles, building mass and density, as well as the overall character or the area ~~and its relationship to the Capital Complex.~~

- B. ~~Protect the open space and landscape features of the district~~ Vacant lots resulting from an approved demolition, shall be filled and smooth graded to street grade; with sod installed.
- C. ~~Conform to the applicable requirements of the Article 17 of this ordinance~~ New construction: The existing relationship between the width and height of the street front elevation(s) of the building (s) in the immediate area shall be maintained. This includes the height of windows, doors and other openings; exterior materials; and rhythm of entrances and/or projections. All new construction or additions equaling 40% or more of existing square footage shall require review and approval by the Architectural Review Board. The purpose is not to have a new building built that looks like an old structure, rather to have a new building built that while may be contemporary, it will be compatible to the scale, setbacks, and character of the block.
- D. Existing architectural features that give buildings their character, such as decorative piers, columns, brackets and cornice work, decorative brickwork, and terra cotta shall be preserved, retained, repaired or replicated.
- E. **Masonry:** When the exterior masonry of a structure must be repaired, the color, texture, and pattern (where applicable) shall duplicate the original. Brick and mortar may be painted, while limestone and bedrock shall not be painted or concealed. Sandblasting shall not be permitted. If an original detail, such as a cornice, is deteriorated beyond repair or missing, it shall be replaced with a newly designed detail appropriate in scale, material, and proportion. A simplified design may be used.
- F. **Siding:** Wood clapboard siding, fiber cement, aluminum, or vinyl may be approved administratively. Buildings already having artificial stone, asbestos, asphalt shingles, and other similar materials, shall be permitted to use same or similar materials. Siding shall not be used to cover or replace brick or natural stone, or other existing decorative features. Exterior paneling is prohibited, except upon accessory structures less than 120 sq.ft.
- G. **Roofs:** New roofing and replacement/repair shall be appropriate to the style and period of the building and shall match the old in shape. Tile roof and slate roof material shall be maintained. All other roof material may be maintained as is or replaced to tile, slate or metal - provided metal roof is non-corrugated and has standing seams with minimum 15 inches wide panels (between seams). Any other new roof material requires Architectural Review Board Approval. All architectural features that give the roof its essential character, such as dormer windows, cupolas, cornices, brackets, chimneys, cresting and weather vanes, shall be maintained. Skylights, roof decks and roof gardens may be permitted if they do not detract from the architectural integrity of the building. Television antennae, satellite dishes or similar items and mechanical equipment such as air conditioning units shall be placed in an inconspicuous location where they will not detract from the character of the building.

- H. Gutters and Downspouts** Box gutters or half round hanging gutters shall be preserved and repaired or replaced with the same style on elevations facing a public side walk. Modern K-style hanging gutters are allowed on rear and side elevations, and may be approved on front elevations administratively for properties not located on Capital Avenue or Shelby Street.
- I. Windows:** The original pattern of window openings and their shape and configuration shall not be altered. Replacement windows not matching original material are allowed; however, for any structure individually listed as a National Register of Historic Places (i.e. Frank Lloyd Wright home) shall replace all windows with same material. Replacement windows on front elevations (and side facing a street for corner lots) are to be wood or the same as the existing material for any property fronting Capital Avenue or Shelby Street. Snap-in grids or grids between panels of glass that give a false appearance of a multi-pane are not allowed on front elevations. Installation of new window openings shall be of the same size and at the same proportion as existing openings. Existing 6-over-6, 4-over-4, or 2-over-2 window sash may be replaced with 1-over-1 window sashes. Storm windows are allowed. Window trim shall be repaired or replaced with material that is the same width as existing. All trim shall be painted to match.
- J. Shutters and Awnings:** New shutters shall match the old or existing in size and shape. Shutters shall be of scaled size to cover the entire window if closed and they shall not overlap when open. Shutters are not required to be functional. Awnings may be replaced at the same size and same material as existing or documented – new awnings require Architectural Review Board approval. No requirement on material.
- K. Doors:** Whenever possible, the building's original door(s) and door trim shall be retained and/or repaired. Door openings shall not be reduced, enlarged, or filled in on street facades. Original transoms shall be retained on front elevations. The size, proportion, shape and configuration of the original or existing door shall be maintained or duplicated as closely as possible if replaced –for elevations facing Capital Avenue or Shelby Street, the replacement door shall be of the same material as existing or documented original. Where new doors are proposed to be installed where there are no existing openings, the new openings shall be of the same size and at the same height as existing openings.
- L. Porches and Decks:** Existing porches or attached additions shall be retained or replaced to the same width, height, and depth unless documented otherwise. When a new porch is added where one does not exist, the porch shall be compatible with the building in terms of the texture, color, and scale. The detailing of the components of the porch, including roofs, railings, columns and trim shall be compatible with the existing building. Decks on the rear and side elevations of a structure are permissible. Side and rear setbacks for new or extended decks and/or porches shall be 2 feet minimum. Any addition of an exterior handicap ramp shall not require the Board approval. The material and design shall be compatible with the existing

building to the maximum extent possible. Porches on front elevations, shall not be enclosed without Board approval.

D.M. Railings, Walls and Fences: Existing wrought iron or cast iron railings, fences and/or masonry walls shall be repaired and retained. Wood or vinyl fences/railings may be added or replaced on the sides (from front elevation to rear property line) and in the rear yard or along the rear property lines up to six (6) feet in height with finished side out. Wood, vinyl, wrought/cast iron, or masonry fences, walls, or railings within the front of the building shall not exceed four (4) feet in height, unless part of a masonry wall, then the height may be increased to six (6) feet. Chain link is not allowed in front of any building. Split-rail style fencing or full lattice is not allowed as fencing on any lot except directly within garden areas only.

4.419 In review of plans proposed for conditional uses or variances, ~~the Board of~~ Architectural Review Board shall be governed by the guidelines as required by Article 18.

(amended 4-28-08)

ARTICLE 17 ARCHITECTURAL REVIEW BOARD

- 17.01 Intent. To establish a board to review development proposals and to provide more design controls in designated older sections of the City of Frankfort. The actions of the board will aid in the prevention of intrusions of undesirable design characteristics, in the protection of desirable and unique physical features in older neighborhoods, in the protection and stabilization of property values and in the prevention of blighting caused by insensitive redevelopment. In addition, this Board is to expand the knowledge of the community on the historic background of Frankfort. This will be accomplished by an ongoing survey and inventory of historic sites within the City of Frankfort. From this information, sites and districts can receive recognition as local landmarks or National Register of Historic Places status. By accomplishing these goals, the City will qualify as a Certified Local Government.
- 17.02 Membership. The Architectural Review Board shall consist of seven (7) citizen members all whom are to have a demonstrated interest in historic preservation. Six (6) members shall be appointed by the mayor, with the approval of the Board of Commissioners. One (1) member shall be appointed by the Frankfort-Franklin County Planning Commission. The members shall serve with compensation in the same amount as that of the Board of Zoning Adjustments members.

The seven (7) members to the Architectural Review Board shall consist of:

- a) Two (2) members that are preservation-related professional members (professions of architecture, history, archaeology, architectural history, planning or related disciplines);
- b) Two (2) property owners within of any one of three (Special Capital, Special Historic, or Central Business) local historic zone districts;
- c) Two (2) members of the construction and/or land development industry or Board of Realtors or Downtown Frankfort Incorporated (DFI)
- d) The Planning Commission shall appoint one (1) of its members to the Architectural Review Board (ARB).

All members of the Frankfort Architectural Review Board shall reside within the corporate limits of the City of Frankfort, Kentucky.

Each member should be appointed from a list of at least three (3) nominees submitted to the Mayor by the respective organizations. If any organization entitled to make a nomination shall fail to make the same within thirty (30) days after written request by the City Clerk, then the Mayor, with the approval of the Board of Commissioners, shall seek qualifying members and make the appointment. The term of office of these members shall expire within three (3) years of the date of appointment. These terms are to be staggered. An appointment to fill a vacancy shall be for only the unexpired portion of the term. Such vacancies shall be filled within sixty (60) days. Exception – the term of office for the member representing the Planning Commission shall follow the same term length as when appointed on the Planning Commission.

17.03 General Duties of the Review Board. The Board shall be responsible for accomplishing the following:

- A. Review all applications for new construction, including building additions and demolition in the Central Business, Special Capital and Special Historic zoning districts and advise the zoning administrator regarding the issuance of permits in such districts. The Architectural Review Board shall be guided by the standards and restrictions of the Comprehensive Plan and by the regulations governing the Special Capital, Special Historic and Central Business zoning districts, and by the Design Guidelines contained in Section 17.10.
- B. In accordance with K.R.S. 100.217, the Architectural Review Board shall act as a Board of Zoning Adjustment in hearing and deciding upon requests for Conditional Use Permits, Variances and Appeals for property located within the Special Historic, Special Capital, and Central Business zone districts.
- C. Review all applications for Local Landmark and National Register designation.
- D. Act in an advisory role to officials and departments of local government regarding the protection of local cultural resources.
- E. Act as a liaison between individuals and groups interested in historic preservation and local government agencies.
- F. Attend at least one informational/educational meeting per year, as approved by the Kentucky Heritage Council. The information gathered from such meetings to be used to further educate the general public on preservation issues.
- A. Attend sufficient training annually to satisfy HB-55 requirements. [8 hours of qualifying planning training hours every two (2) years].

17.04 General Procedures. The Board shall function along the following guidelines:

17.041 Bylaws. The Board shall cause a set of bylaws to be adopted. These bylaws shall be kept on file in the offices of the Department of Planning and Building Codes and shall be available to the general public.

17.042 Meetings. The Board shall meet on a monthly basis as specified in the bylaws. These meetings shall be held in the Council Chambers of the Frankfort Municipal Building or other public location as required. All meetings shall be open to the general public. The chairman of the Architectural Review Board may call special meetings as necessary to conduct the business of the Architectural Review Board. These meetings will aid in obtaining prompt decisions for the applicant.

17.043 Notice of Meeting. All meetings are to be advertised in the local newspaper at least seven (7) days prior to the meeting. This advertisement shall contain the date, time and location of the meeting, as well as the agenda. In addition to the advertisement in the newspaper, all adjoining property owners to a request being considered by the Architectural Review Board shall be given written notice of the request and date, time and location of the meeting which will be held to consider the request. Records of ownership in the Property Valuation Administrator's office shall be used for determining the names of the adjacent and contiguous property owners.

17.044 Annual Reports. At the end of each calendar year, the Board shall cause an annual report to be prepared. This report will review all requests reviewed by the Board and action taken. The report will be kept on file in the offices of the Department of Planning and Building Codes and shall be available to the general public.

17.05 Review Board Powers: New Construction, Building Additions, exterior renovations, Demolition, and those of the Board of Zoning Adjustment.

17.051 Building Permits. The Board shall not consider any interior alterations or remodeling in their review of permits unless the interior remodeling affects the exterior appearance of the structure. Exterior remodeling as governed by this ~~article~~ code shall be deemed to include any change in the design, material or exterior treatment of a structure. The Planning and Building Codes Department shall not issue building permits in the Special Historic District, Special Capital District, and Central Business District for any new construction, building additions or moving of any structure unless and until:

1. ~~1. The Department of Planning and Building Codes Department shall have issued a Certificate of No Exterior Effect. The Certificate of No Exterior Effect shall state the reasons and/or conditions for approval~~

2. If a certificate of no exterior effect is NOT issued above, then the

~~1. The Architectural Review Board shall have reviewed~~ review and approve or deny the recommended approval of such plans and specifications of such structures as it deems necessary in the circumstances of the particular case, ~~and~~

~~2. The Architectural Review Board shall have issued~~ issue a Certificate of Appropriateness for approved plans. The Certificate of Appropriateness shall state the reasons and conditions for approval by citing how the work proposed in the application is appropriate in regards to the guidelines ~~for review in Section 17.10~~ and the intent of the respective zoning district contained within each respective zoning district, ~~or~~.

~~3. The Department of Planning and Building Codes Department shall have issued a Certificate of No Exterior Effect. The Certificate of No Exterior Effect shall state the reasons for approval.~~

17.052 Demolition Permits. No permit for the demolition of a ~~principle~~ contributing structure in a Special Historic District, Special Capital District or the Central Business District shall be issued by the Planning and Building Codes Department unless ordered by a Court; or unless approved by the Code Enforcement Board; or unless the Architectural Review Board issues a

Certificate of Appropriateness. ~~the~~The Certificate of Appropriateness shall state the reasons for approval by stating how the proposed demolition is appropriate in regard to the guidelines for review for demolition permits, which are contained ~~within each respective zoning district~~in this Article.

17.06 Review Board Procedures

17.061 Certificate of No Exterior Effect--Administrative Approval:

A Certificate of No Exterior Effect shall be issued by the Department of Planning and Building Codes for all work, including exterior remodeling ~~and minor~~ additions to a property, change of use, consolidation plats, and demolitions of non-contributing structures proposed within the Special Capital, Special Historic, and Central Business zone districts, ~~except for new construction, building additions, moving a structure, or building demolition. The Director of Planning and Building Codes shall use the Design Guidelines contained~~ provided the requirements within each separate zone district ~~in determining if a Certificate of No Exterior Effect can be issued~~has been satisfied.

In the event that the Department of Planning and Building Codes finds that an application does not meet the ~~design guidelines required~~requirements for the issuance of a Certificate of No Exterior Effect, the application shall be forwarded to the Architectural Review Board for its consideration and recommendations.

17.062 Review Board Procedures: ~~New Construction, Building Additions, Exterior Remodeling, Moving a Structure Into or Out of, and Demolition Within the Special Capital, Central Business, or Special Historic Zone Districts.~~ Whenever an application for a building or zoning permit is made ~~for new construction, building addition, or the demolition of any structure, or the moving of a structure~~ in a designated Special Historic District, Special Capital District, or Central Business District, and the Planning and Building Codes has determined that administrative approval cannot be issued, then the property owner shall file an application to the Architectural Review Board ~~shall be notified of such application~~, and the Board or its designee shall promptly notify the applicant of the date, time and place of a public hearing and shall hold the hearing within sixty (60) days of the filing of such a complete application. An application is determined as complete upon sufficient submittal of all required documentation required within this section, the application, and associated fees. The Board, or its designated representative, where it deems necessary in order to review a particular application, may require the submission of any or all of the following items: architectural plans, plot plans, landscape plans, plans for off street parking, elevations of all portions of proposed structures facing streets, and elevation photographs or perspective drawings showing proposed structures and all such existing structures as are substantially related to it visually or by function, traffic generation or other influencing characteristics. The Board shall vote to approve or disapprove the application within ninety (90) days after the hearing is held. Unless a mutual agreement between the Architectural Review Board and the applicant has been made for an extension of said time, the application shall be deemed to be disapproved if not acted upon within ninety (90) days.

17.07 Approval by Architectural Review Board: ~~New Construction, Building Additions, Moving of a Structure, Exterior Remodeling and Demolition.~~ If the Architectural Review Board approved

the application for a building or zoning permit or demolition permit, it shall promptly cause a Certificate of Appropriateness to be issued to the applicant, and shall at the same time transmit a copy of said Certificate to the Building Inspector. Upon receipt of the Certificate of Appropriateness or Certificate of No Exterior Effect, the ~~Building Inspector~~ Planning and Building Codes Department shall issue the building permit or demolition permit if it meets all other requirements of law.

The Certificate of Appropriateness shall be valid for ~~one~~ two years from the date of approval by the Architectural Review Board. If, after that time frame, the proposed work has not been ~~completed~~ initiated by the issuance of a building permit, the Certificate of Appropriateness shall be null and void, unless an application is filed (at least 30 days prior to the expiration date) to the Architectural Review Board requesting an extension. If the Certificate of appropriateness has been voided, the ~~Office of~~ Planning and Building Codes Department shall notify the applicant of that fact and indicate that a new application must be submitted and approved by the Architectural Review Board prior to any work commencing on the project.

If an applicant finds that the approved work will not be initiated by the issuance of a building permit within the ~~one~~ two year time frame, they may request an extension of time from the Architectural Review Board. If the Board finds that the applicant is in fact working toward completion of the project, they may approve an extension of the time allowed for completion of the work.

- 17.08 Disapproval by Architectural Review Board: ~~New Construction, Building Additions, Moving a Structure, Exterior Remodeling and Demolition.~~ If the ~~Board of~~ Architectural Review Board disapproves the application for a building permit or demolition permit, it shall promptly transmit a written report stating the reasons for such disapproval to the applicant. In said written report, the Board shall make recommendations in regard to the ~~intent of the~~ Special Historic District, Special Capital District or Central Business District regulations and the guidelines for review ~~outlined in Section 17.10 of this Article.~~

If an application has been denied by the Architectural Review Board, an applicant shall not be allowed to submit an application for the same work and materials proposed for a period of one calendar year.

- 17.09 Appeal from Action of the Architectural Review Board: ~~New Construction, Building Additions, Moving a Structure and Demolition within the Special Capital, Central Business and Special Historic Zone Districts.~~ Appeals from actions of the Architectural Review Board may be taken by any person or entity claiming to be injuriously affected or aggrieved by the granting or denial of an application made to the Architectural Review Board. Such appeal shall be taken within thirty (30) days after the decision is made by the Architectural Review Board, by filing with the ~~Office of~~ Planning and Building Codes Department a notice of appeal specifying the grounds thereof, and giving notice of such appeal to any and all parties of record. The Planning Director shall forthwith transmit to the Appeals Board all papers constituting the record upon which the action appealed from was taken and shall be treated as and be the respondent in such further proceedings. At the public hearing on the appeal held by the Appeals Board, any

interested person may appear and enter his appearance, and all shall be given an opportunity to be heard.

17.09.1 Architectural Review Appeals Board. The Architectural Review Appeals Board shall consist of five (5) members and shall be the City appointed Planning Commission members. Each member shall serve on the Architectural Review Appeals Board for the length of time of his or her appointed term.

The Architectural Review Appeals Board shall have the duty to hear and decide cases where it is alleged by an applicant that the decision reached by the Architectural Review Board was made in error, or that the appellant has been injuriously affected or aggrieved by an official action of the Architectural Review Board.

The Architectural Review Appeals Board shall fix a reasonable time for hearing the appeal and give public notice at least seven (7) days in advance of the meeting in the local newspaper, as well as written notice to the appellant and the administrative official at least one (1) week prior to the hearing, and shall decide it within sixty (60) days. The affected party may appear at the hearing in person or by attorney.

17.09.2 Appeal from Action of the Architectural Review Appeals Board. In the event that the Architectural Review Appeals Board finds in favor of the Architectural Review Board, after holding the public hearing on the appeal, the appellant may file an appeal to the court of local jurisdiction.

17.10 DESIGN GUIDELINES FOR EXTERIOR REMODELING – see attached guidelines

~~The following guidelines shall be used by an applicant in filing applications for approval for exterior remodeling and shall be used by the Director of the Planning and Building Codes Department in determining if a Certificate of No Exterior Effect may be issued for the proposed work. Building permit applications that meet these guidelines may be administratively approved, while those not meeting these guidelines shall require the review and approval of the Architectural Review Board prior to issuance of any building permit for work not meeting these guidelines.~~

~~—1. Masonry~~

~~—Masonry is one of the most durable building materials and can last for centuries. Brick, stone, terra cotta, stucco, concrete, and mortar are all examples of masonry. Masonry is used primarily for wall surfaces, but is also used for cornices, pediments, window lintels and sills, and other decorative building elements. The color, texture and patterns of the masonry and mortar joints help define the character of a building.~~

- ~~A. Original architectural materials such as brick and stone, wood siding and trim, cast and wrought iron, and sheet metal shall be repaired, restored, and reused whenever possible. Original materials shall not be removed or covered. Where necessary, missing or deteriorated material shall be replaced with appropriate recycled or new materials that match the original as closely as~~

possible. When the exterior masonry of a structure must be repaired, the color, texture, and pattern (where applicable) and composition of the masonry and the composition, color and tooling of the mortar shall duplicate the original

- ~~B. Existing architectural features that give buildings their character, such as decorative piers, columns, brackets and cornice work, decorative brickwork, and terra cotta shall be preserved.~~
- ~~C. The addition of inappropriate and out of character features shall be avoided.~~
- ~~D. Existing architectural elements or portions of the original features shall be retained, repaired or replicated.~~
- ~~E. If an original detail, such as a cornice, is deteriorated beyond repair or missing, it shall be replaced with a newly designed detail appropriate in scale, material, proportion and accuracy of detail. A simplified design may be used.~~
- ~~F. Cleaning masonry shall be done by the least damaging method available, ranging from washing with a mild detergent and soft bristle brushes to chemical cleaning.~~
- ~~G. Sandblasting is not an acceptable method for cleaning and shall not be permitted because it destroys brick and reduces the life of buildings.~~
- ~~H. Sealants, such as water repellent coatings, shall not be used unless there is actual water penetration through the masonry units themselves, and the problem is not caused by faulty or missing mortar, poorly functioning gutters and downspouts, or rising ground water. If water is penetrating through the masonry to interior surfaces, then only the affected area shall be treated, and only after the masonry has been allowed to dry. Paint is more permanent and provides a good measure of waterproofing to masonry walls. Painting is recommended for building in the Special Capital, Special Historic, and Central Business zone districts that have been previously painted.~~
- ~~I. Tuck pointing shall be completed with a soft mortar, simulating the old lime and sand mortars in appearance and composition. A mixture consisting of one part lime, and seven to nine parts of the smallest available mesh sand (to match the original sand) is recommended. The use of this mortar will ensure that expansion and contraction characteristics of the brick and mortar will be approximated.~~
- ~~J. The original joint type shall be matched by new tuck pointing. In general, the mortar joint shall be concave because this allows for the greatest bond of mortar to brick.~~
 - ~~——— 1) The mortar shall be tinted to match the color of the original materials as closely as possible.~~
 - ~~————— 2) If brick needs to be replaced, it shall match the original as closely as possible.~~

2. Siding

~~Wood is a common building material in the historic areas, used for structural framing, protective siding and decorative elements. Wood can be easily shaped by sawing, planing, and carving, and it is used for a broad range of building elements such as cornices, brackets, shutters, columns, porches, doors and windows, and other decorative building elements. For the purposes of these guidelines, siding shall mean all wood siding, shingles, decorative wooden elements and framing.~~

- ~~1. Wood clapboard siding shall be used as the repair or replacement material on wood frame buildings.~~
- ~~2. With the exception of accessory structures less than 120 s.f., rough sawn wood, diagonally oriented wood or plywood siding (i.e. T-111) is inappropriate and shall be prohibited for exterior walls, trim and ornamentation.~~
- ~~3. Aluminum, fiber cement, or vinyl siding shall be permitted for any structure within the Special Capital zone district. The following guidelines shall be followed in installing aluminum or vinyl siding in the Special Capital zone district:~~
 - ~~2. Corner boards for artificial siding shall be the same size as the existing corner boards.~~
 - ~~3. All new window and door trim shall be the same width as the original trim.~~
 - ~~4. Architectural features must be covered in a manner that will allow for the same proportion after coverage as before coverage.~~
 - ~~5. All artificial siding shall run in the same direction as the original siding.~~
 - ~~6. Frieze and soffit boards must be covered in the same widths as exists on the building.~~
 - ~~7. All detailing which is not flush with the siding or surface must bear the same proportion after coverage as before coverage.~~
 - ~~8. All exterior façade shingles shall remain and must not be covered or altered.~~
 - ~~9. All decorative porch posts, railings, brackets, cornices, and cornice trim must remain uncovered.~~
 - ~~10. Existing shutters consistent with the style of the building shall be returned to the original location after the artificial siding is applied.~~
 - ~~11. All masonry must remain uncovered.~~
 - ~~12. The width of artificial siding must have approximately the same width and shape as the original, and generally should be 4" to 6" wide.~~
 - ~~13. Artificial siding shall not be installed over rotted wood—all original siding, trim, fascia and drip items shall be repaired or replaced.~~
 - ~~14. All artificial siding shall be the original color of the building, if possible~~
 - ~~15. Siding materials with a stamped or molded design which imitates masonry or wood grain may be used when it matches the existing design.~~

~~In the Special Historic zone district and in the Central Business zone district, vinyl or aluminum siding shall not be permitted, fiber cement may be approved administratively. Buildings already having artificial stone, asbestos, asphalt shingles, and other similar materials, shall be permitted to use similar materials in resurfacing or repairing these surfaces. Siding shall not be used to cover or replace brick walls~~

~~3. Roofs~~

- ~~A. The original roof shape shall be preserved.~~
- ~~B. Changes to the original roof shape or adding features inappropriate to the character of the roof, such as oversized dormer windows, is discouraged. Skylights, roof decks and roof gardens may be permitted if they do not detract from the architectural integrity of the building. Generally, the use of skylights, roof decks or roof gardens on the main façade of the building is discouraged.~~
- ~~C. Whenever possible, original roofing materials shall be retained. New roofing shall be appropriate to the style and period of the building and neighborhood and should match the old in composition, size, shape, color and texture. Retain or replace, where necessary, all architectural features that give the roof its essential character, such as dormer windows, cupolas, cornices, brackets, chimneys, cresting and weather vanes. Full replacement of roof with material other than existing shall be only approved by the Board and after the applicant has submitted documentation and evidence of why the existing roof material can not be repaired and/or replaced with the same material.~~
- ~~D. Architectural details that will change the character of the roof and the structure are discouraged. Television antennae, satellite dishes or similar items and mechanical equipment such as air conditioning units shall be placed in an inconspicuous location where they will not detract from the character of the building~~

~~4. Gutters and Downspouts~~

- ~~A. Box gutters shall be preserved and repaired or replaced with the same style box gutters on all elevations visible from a public right of way. Box gutters that can not be repaired on elevations not visible from a public right of way, may be replaced with half round hanging gutters and round downspouts,;~~
- ~~B. Finish Treatment: Hanging gutters and downspouts, unless made of copper, shall be painted the same color as the house or the trim. To prevent the paint from flaking and peeling within a short period of time, new non-galvanized metal or aluminum gutters or downspouts shall be coated with a galvanized steel primer before applying the finishing coats of paint.~~
- ~~C. Style: All hanging gutters and downspouts may be repaired or replaced with the same style and design. All new Hanging gutters shall be half round and new downspouts shall be round unless otherwise approved by the Architectural Review Board; however, modern K-style gutters are allowed within the SC district, with the exception of historically contributing structures. PVC style gutters shall not be allowed in any historic district.~~
- ~~D. Any ornamental roof accessories shall be cleaned, repaired and painted.~~

~~5. Windows~~

- ~~A. The original pattern of window openings and their shape and configuration shall not be altered.~~
- ~~B. Original windows shall be retained when possible, and repaired as needed.~~
- ~~C. When replacement windows are used, they shall match the original in size, shape and design. Wood with vinyl clad exteriors are allowed within the SC district, with the exception of historically contributing structures.~~
- ~~D. Existing 6 over 6, 4 over 4, or 2 over 2 window sash may be replaced with 1 over 1 window sashes.~~
- ~~E. Snap in grids or grids between panels of glass that give a false appearance of a multi-pane sash are discouraged and shall not be administratively approved within the SH or CB districts.~~
- ~~F. Windows of a style or era different than the house shall not be used.~~
- ~~G. New storm windows shall be of wood or anodized aluminum with a painted finish.~~
- ~~H. Window openings shall not be reduced, enlarged, or filled in on street facades.~~
- ~~I. If original openings are filled in on the side or rear, the outline of the original opening shall remain apparent by setting infill material back from the surface and leaving original sills and lintels in place. Original openings on the side and rear may be blocked by attaching shutters in a closed position to maintain the appearance of a window.~~
- ~~J. Installation of new window openings shall match the existing window openings as much as possible, especially on the primary elevations. New openings shall be of the same size and at the same height as existing openings. Board review and approval is required when such new window openings are proposed on street façade elevations.~~

~~6. Shutters~~

- ~~A. Original shutters shall be retained or repaired.~~
- ~~B. New shutters shall match the old in composition, size, shape, color and texture. Vinyl shutters shall only be allowed within the Special Capital District when vinyl siding exists on the same elevation.~~
- ~~C. Shutters that detract from the character and appearance of the building shall not be installed. Shutters shall look as if they could work; they shall be big enough to cover the entire window when closed and they shall not overlap when open.~~

~~7. Doors~~

- ~~A. Whenever possible, the building's original door(s) and door trim shall be retained and/or repaired. If a new door is required, the size, proportion, shape and configuration of the original door shall be duplicated as closely as possible. New doors shall match the material and hardware of the original.~~
- ~~B. Any original hardware on the door shall also be repaired or retained whenever possible.~~
- ~~C. Door openings shall not be reduced, enlarged, or filled in on street facades. Original transoms shall be retained.~~

- ~~D. If it is not possible to retain original door openings, the door may be fixed in place so as to retain the original appearance. If original openings are filled in on the side or rear, the outline of the original opening shall remain apparent by setting infill material back from the surface and leaving original sills and lintels in place.~~
- ~~E. In instances where new doors are proposed to be installed where there are no existing openings, the new doors shall match the existing doors as much as possible. New openings shall be of the same size and at the same height as existing openings.~~

~~8.—Porches and Decks~~

- ~~A. Porches or additions reflecting a later architectural style are often important to the building's historical integrity and shall be retained.~~
- ~~B. Porches and steps appropriate to the building and its development shall be retained.~~
- ~~C. When a new porch is added where one does not exist, the porch shall be compatible with the building in terms of the materials and their texture, color, scale and detailing.~~
- ~~D. The detailing of the components of the porch, including roofs, railings and trim shall be compatible with the existing building.~~
- ~~E. Decks on the rear and side elevations of a structure are permissible. These decks and porches shall follow the guidelines for new construction.~~
- ~~F. Any addition of an exterior handicap ramp shall not require the Board approval for a determination of setback. The material and design shall be compatible with the existing building to the maximum extent possible.~~

~~9.—Site Features~~

~~Private site elements include driveways, walkways, garages and out buildings, lighting, fences, walls, benches, terraces, signs, fountains, berms, drainage ditches, trees, plantings and archaeological features. The relationship between historic buildings and the site features within a property's boundary helps define the historic character and shall be considered an important part of any project.~~

~~A.—Walls and Fences~~

- ~~1) — Walls and fences, including gates, are a consistent and dominant element throughout the historic areas. Cast iron and wrought iron fences and gates are the most frequent existing materials and their use shall be continued where appropriate. Existing wrought iron or cast iron fences and masonry walls shall be repaired and retained whenever possible. Picket fencing shall be no more than 4' in height and shall have no more than a 4" separation between pickets. Privacy fencing, commonly used in other areas of the City, shall only be used in the side and rear of the property.~~
- ~~2) — Within the front yard, fence materials shall be masonry (stone or brick), wrought iron or wood. New fences shall be compatible with existing fences in the historic areas. Fences in front yards shall be no more than 4' in height. The use of picket fencing in front yards shall be encouraged whenever possible. Picket~~

~~fencing shall have no more than a 4" separation between pickets. Chain link fencing shall not be permitted in the front yard of any structure.~~

~~3) Exception within the Special Capital District only:~~

- ~~a.) When replacing an existing wood fence, the owner may choose to replace wooden fences with white vinyl fence material.~~
- ~~b.) When installing new fences, the owner may choose to install vinyl fence material provided a portion of the exterior of the principle building also contains vinyl material and no other fence material exists on the same property—when other types of fence material exists on the same property, the architectural review board shall review and approve any proposed vinyl fence material.~~
- ~~e.) Any vinyl fence material shall consist of the following minimum standards:~~
 - ~~(1) Picket style shall not exceed 4' in height and shall have not more than a 4" separation between pickets.~~
 - ~~(2) Vinyl lattice fencing shall only be an accent upon the top portion of a vinyl privacy fence material and is limited to the required height restrictions.~~
 - ~~(3) Posts, Post caps and end caps shall be provided in same vinyl material.~~
 - ~~(4) Railing along porches may also be made of white vinyl material—provided a portion of the exterior of the principle building also contains vinyl material.~~
 - ~~(5) Vinyl post and rail fencing is not allowed.~~
 - ~~(6) Vinyl fencing shall not be painted.~~
- ~~d.) Existing metal or masonry fences/walls shall not be replaced with other materials, unless authorized by the Architectural Review Board.~~

~~B. Landscaping~~

~~Whenever possible, existing walkways or garden ornaments shall be retained and repaired. Landscaping consistent with the historic area and compatible with the architecture is encouraged.~~

~~C. Ground Surfaces~~

~~Ground surface materials, such as paving, ground cover planting, terraces, etc., shall be compatible with the existing and adjacent sites, existing site conditions and the character of the building. Use of materials compatible with the existing public sidewalks is encouraged.~~

~~The use of ground surfaces that vary significantly from the surrounding conditions, that do not fit the site configuration, or that detract from the character of the building are discouraged. For example, front yards which have an extensive mixture of paving materials and walks with little grass or ground cover shall be avoided, especially where the surrounding sites have large areas of grass or ground cover and few paved areas. Hard surfaced paving such as walks should not conflict in character with adjacent sidewalk materials.~~

~~D. — Plantings~~

~~Large trees on private property along the streets and sidewalks contribute to an “avenue” effect. The continuation of this precedent is encouraged. Periodic maintenance shall be carried out to ensure the proper health and appearance of landscaping. The removal of trees where they contribute to the continuity of street trees is discouraged.~~

~~E. — Awnings~~

- ~~1) — Awnings are encouraged as part of the overall design concept for buildings.~~
- ~~2) — The installation of canvas canopies and awnings is encouraged on both commercial and residential buildings. However, they shall not obscure significant architectural features or require their removal.~~
- ~~3) — Existing canvas awnings shall be retained and repaired whenever possible.~~
- ~~4) — New awnings shall be designed and constructed with appropriate materials that respect the original character of the building and area.~~
- ~~5) — New awnings shall be of a size, shape, color and texture which is compatible with the building’s architectural style.~~
- ~~6) — Awnings shall be constructed of canvas or other pliable material that meet Fire Codes. Metal or other rigid awnings shall not be used. Flame retardant canvas and or self-extinguishing materials that resemble canvas such as 100% acrylic are acceptable. Vinyl materials shall not be allowed.~~
- ~~7) — On commercial buildings, awnings may incorporate signs, as long as the sign does not exceed the size requirement for a fascia sign.~~

~~10. — Facades/Storefronts~~

~~Traditionally, commercial buildings have a well-defined opening that contained the original storefront and is usually exclusively confined to the first floor of the building. Storefronts shall never be enlarged to encompass additional floors, unless it can be determined that this was the original design of the building.~~

- ~~A. — Piers or columns that divide the storefront into bays, and lintels or cornices that separate the storefront from the upper floors shall not be covered or removed~~
- ~~B. — Windows shall not be filled in and the existing sill height shall be maintained.~~

- ~~C. Original transoms, window configurations, doors, and ornamentation shall be retained and repaired whenever possible, or replaced with similar materials as needed. Where no original materials or detailing remains, new work shall be compatible with the original character of the building.~~
- ~~D. Storefronts shall be located in the plane of the front façade. Storefronts which have major projections beyond the front façade of the building are not appropriate and shall be avoided. The entry to the building shall, however, be slightly recessed to provide a sheltered entry to the building. For exterior swing doors, the depth of the recess shall be greater than the width of the proposed door.~~
- ~~E. Storefronts that are not original but have their own unique or historic character or design shall be retained and repaired.~~
- ~~F. In the event that the original storefront has been removed or irreparably damaged, a new front consistent with the architectural style of the overall structure shall be constructed.~~
- ~~G. When designing new storefronts, scale, materials, proportion, color and number and size of window openings shall all be considered.~~
- ~~H. Inappropriate historical themes shall be avoided. Detailing such as coach lanterns, colonial doors, storefront shutters, small window panes and window openings shall be avoided.~~
- ~~I. Materials and design elements such as mansard roofs with wooden shingles, rough textured wood siding, and fake bricks or stone are not appropriate materials for commercial storefronts and shall be avoided.~~
- ~~J. The storefront shall be designed with large quantities of clear glass, approximately 75% of the storefront area.~~
- ~~K. Storefront window glass shall be clear. Mirrored or shaded glass shall not be used, unless substantial evidence that the original building contained such glass.~~
- ~~L. Appropriate materials shall be selected to repair and replace storefronts. Materials such as vinyl and aluminum siding are not appropriate. Where aluminum window frames are used to replace those that were originally wood, the exterior frames shall be either anodized aluminum or painted.~~
- ~~M. The proportions of the elements of the storefront shall be appropriate to the overall design of the building, as well as to the original storefront. Vertical proportions are much more common than horizontal. Proportions of the storefront cornice, the window elements and the door openings are all important considerations, and these individual elements were often constructed with similar proportions. Alterations to the original architecture shall not be made to “improve” the design of the building.~~

~~N. Storefronts shall not be placed on buildings or portions of buildings that were not originally designed as commercial buildings.~~

~~17.11 DESIGN GUIDELINES FOR NEW CONSTRUCTION OR MOVING OF A STRUCTURE INTO THE HISTORIC DISTRICTS:~~

- ~~A. Proportion of Building's Street Front Façade: The existing relationship between the width and height of the street front elevation(s) of the building (s) in the immediate area shall be maintained.~~
- ~~B. Proportion of Windows and Other Openings Within the Façade: The relationship of width to height of windows, doors and other openings of the facades of building(s) in the immediate area shall be maintained.~~
- ~~C. Rhythm of Solids in Street Front Facades: Rhythm being an ordered recurrent alternation of strong and weak elements. Moving by an individual building, one experiences a rhythm of masses to openings. This rhythm shall be maintained.~~
- ~~D. Rhythm of Spacing of Buildings Along Streets: Past a sequence of buildings, one experiences a rhythm of recurrent building masses to spaces between them. This rhythm shall be maintained.~~
- ~~E. Rhythm of Entrance and/or Projections: The relationships of entrances to sidewalks. Moving past a sequence of structures, one experiences a rhythm of entrances and projects (such as porches) at an intimate scale. This rhythm shall be maintained.~~
- ~~F. Relationship of Materials: Within the immediate area, the predominant material may be brick, stone, stucco, wood siding or other material. This relationship shall be maintained.~~
- ~~G. Relationship of Textures: The predominant texture within an area may be smooth, rough, horizontal, vertical or other texture or a combination of these textures. This relationship shall be maintained.~~
- ~~H. Relationship of Color: Within an area, the predominant color may be that of natural materials, or the patina of materials colored by time. The accent of blending colors of trim may also be predominant. This relationship shall be maintained.~~
- ~~I. Relationship of Architectural Details: Predominant details within an area may include cornices, lintels, arches, quoins, balustrades, wrought iron work, chimneys, and other significant design elements. The relationship of architectural details shall be maintained.~~
- ~~J. Walls of Continuity: Within an area, physical elements, such as brick walls, wrought iron fences, landscaping masses, building facades, or combinations of these, may form a cohesive enclosure or sense of enclosure along a street. These walls of continuity shall be maintained.~~
- ~~K. Relationship of Landscaping and Landscape Elements: There may be a predominance of a particular quality and quantity of landscaping and landscape elements within an area. These~~

~~landscaping and landscape elements may combine to provide a certain mass and continuity. This relationship shall be maintained.~~

~~L. Ground Cover: Within an area, there may be a predominance in the use of ground cover, such as brick pavers, cobble stones, granite blocks, tabby grass, moss, or other materials. The predominance of these materials shall be maintained.~~

~~M. Scale and Units of Scale: Scale, within an area, is created by the size of structures, landscaping, landscaping elements, and architectural details which may relate to the human size, monumentality or some other order of proportion. Scale is also determined by structural, landscape or other such masses and their relationships to open space. The predominant elements of scale may be brick or stone units, windows or door openings, porches or balconies, landscape massings, roof pitches, eave lines, etc. The ambient scale of an area and its units of scale shall be maintained.~~

~~N. Directional Expression of Building Facades: Structural shape, placement of openings, and architectural detailing may provide a predominantly vertical, horizontal, or a non-directional character to the building facades. This directional expression shall be maintained.~~

17.12 Demolition of Structures: The following guidelines are to be used by the Architectural Review Board in making its determination when an application has been filed for the demolition of a [contributing](#) structure.

A. Any applicant requesting approval for the demolition of a [principle-contributing](#) building shall be required to submit the following information with their application:

- 1) The architectural and historical importance of the structure and its significance to the history, character, and/or fabric of the designated area. (This information shall be presented in a report prepared by an Architect or an Architectural Historian)
- 2) The physical condition and structural integrity of the structure. (This information shall be presented in a report prepared by an Architect or Structural Engineer)
- 3) The cost of reasonable rehabilitation, renovation or restoration of the structure to allow the structure to continue in a useful function or to continue its contribution to the designated district. Also, the cost of demolition and disposal of the structure. (Two quotes addressing the minimum standards shall be submitted. The quotes shall be prepared by an Architect or Professional Property Appraiser. This information may also be provided by estimates from three independent Construction Contractors licensed to do business by the City of Frankfort, Kentucky.)
- 4) The existing and/or potential usefulness of the structure, including the potential reasonable economic return from the use of the structure. (This information shall be presented in a report prepared by an experienced Real Estate Professional or other competent Professional and shall include information about the value of similar structures in the designated district.)

- 5) The applicant shall submit information on the amount paid for the property in all sales in the previous five (5) years; the assessed value of the land and improvements; the real estate taxes paid; the annual debt service, if any; and all appraisals obtained within the previous two (2) years.

B. When an application for demolition is for an accessory structure, the Board, through its Chairman, may waive the detailed application outlined above, and authorize the issuance of a “no exterior effect” by staff.

~~B.~~A. The Architectural Review Board shall consider the relationship between the structure to be demolished and its site, other structures on the site, and other property in the designated district. In evaluating this relationship, the Board shall consider the historical and architectural significance, architectural style, design, arrangement, texture, materials, and color.

~~C.~~B. If economic hardship or the lack of reasonable return is a concern of the applicant, the Board should consider the following items to be provided by the applicant: the annual gross income for the previous two (2) years; itemized operating and maintenance expenses for the previous two (2) years; and annual cash flow for the previous two (2) years.

~~D.~~C. If a “Certificate of Appropriateness” for demolition is granted, the Board may require any or all of the following:

- 1) Documentation of the structure by the applicant through photographs and/or measure drawings, including material on detailed features of the structure.
- 2) Preservation of valued architectural details and materials of the structure by the applicant. If details or materials are to be preserved, the Board may negotiate with the applicant as to the methods of preservation.

17.13 In-Progress Inspections/Stop Work Orders. All work performed pursuant to the issuance of a Certificate of No Exterior Effect or Certificate of Appropriateness shall conform to the requirements of such certificate. It shall be the duty of the Department of Planning and Building Codes to inspect from time to time any work performed pursuant to such certificate to assure compliance. In the event that work performed is not in accordance with such certificate, the Director, Department of Planning and Building Codes or his designated representative, shall issue a stop work order and all work shall cease. No person, firm or corporation shall undertake any work on such project while the stop work order is in effect.

17.14 Emergency Conditions. In any case where the Building Inspector, in consultation with the Director of the Department of Planning and Building Codes, determines that there are emergency conditions dangerous to life, health, or property affecting a property in a historic district, he may order the remedying of these conditions (given priority to stabilization prior to demolition) without the approval of the Architectural Review Board. The Director shall promptly notify the property owner and Chairman of the Architectural Review Board of the action being taken.

17.15 Review Board Powers: Local and National Register Designation

17.15.1 Local Landmarks and Districts. The Board shall consider all applications for local designation of individual sites and districts within the City of Frankfort, except those that are part of an awarded grant issued by the Kentucky Heritage Council, where the City is the applicant. These shall be defined as sites or districts that are significant to the history and development of Frankfort, but do not qualify for inclusion on the National Register of Historic Places. Such a designation does not automatically grant the Board review powers for new construction, exterior remodeling and demolition. This designation will be considered for future rezoning requests.

17.15.2 National Register of Historic Places. The Board shall consider all applications for National Register listing within the City of Frankfort, except those that are part of an awarded grant issued by the Kentucky Heritage Council, where the City is the applicant. Once individual sites or districts are listed on the National Register, the Board will not automatically obtain review powers for new construction, exterior remodeling and demolition. This designation will be considered for future rezoning requests.

17.15.3 Review Board Procedures: Local and National Register Designation. Whenever application for local or national designation is received (except for those excluded in 17.15.1 & 2), the Board shall be notified. The Board shall promptly notify the applicant of the date, time and place of a public hearing within sixty (60) days of the filing of such application. The board shall require the submission of a completed nomination form and representative photographs of the property (electronic jpeg format is acceptable), as well as any other documentation the Board may deem necessary. The Board shall vote to approve or disapprove the application within ninety days after the application has been filed. Unless a mutual agreement exists between the Board and the applicant, the application shall be deemed disapproved if not acted on in ninety (90) days.

17.15.4 Approval by Architectural Review Board: Local and National Register Designation. If the Board approves the nomination of a site or district, the applicant will be notified by letter of the action. At the same time, the City Commission will be notified of the action for their review. The City Commission will then review the application, consider the comments and actions of the Board, and render a final decision. If the application is for National Register designation, the City Commission will forward its decision and all comments to the Kentucky Heritage Council within sixty (60) days, for submission to the Kentucky Historic Preservation Review Board.

The Kentucky Historic Preservation Review Board, after considering all opinions, will make its recommendation to the State Historic Preservation Officer. The Board, the City Commission, or the property owner may appeal this final decision by the procedure outlined in the National Historic Preservation Amendment Act of 1980 (36CFR8).

17.15.5 Disapproval by Architectural Review Board: Local and National Register Designation. If the Board disapproves the application for a site or district, it shall promptly transmit a written report stating the reasons for such action to the applicant. A copy of this report will be forwarded to the City Clerk and the Kentucky Heritage Council. If both the Board and the City Commission recommend that a site or district not be nominated, it will notify the Kentucky Heritage Council of this decision. The Council will then notify the property owner, the State Review Board, and the State Historic Preservation Officer. The property will then not be nominated unless an appeal is filed with the State Historic Preservation Officer. This appeal procedure is outlined in the Historic Preservation Amendment Act of 1980 (36CFR8).

17.15.6 Appeal from Actions of the Architectural Review Board: Local and National Register Designation. In the event the Board disapproves an application for designation, the applicant may appeal the decision to the City Commission.

17.15.7 Criteria for Local Landmark Designation. The criteria for local designation will be based on criteria similar to that established by the Department of the Interior for inclusion on the National Register of Historic Places. In such cases, more weight will be given to local significance.

17.15.8 Criteria for National Register Designation. The criteria for National Register designation shall be the same as those established by the Department of the Interior.

17.16 Definitions. As used in this Article, the following terms shall mean:

- a. Certified Local Government: A government meeting the requirements of the National Historic Preservation Amendment Act of 1980 (P.L. 96-515) and the implementing regulations of the U.S. Department of the Interior and the Kentucky Heritage Council.
- b. Board: The Frankfort Architectural Review Board
- c. Demolition: Any act that destroys in whole or in part a landmark or a [contributing](#) building in a historic district or a landmark site.
- d. Exterior Remodeling: Any change in the design, material, or exterior treatment of a structure ~~that requires a building permit.~~
- e. Historic District: An area ~~meeting one or more of the criteria contained in Section 17.15.8 of this Article~~ [zoned Special Capital, Special Historic or Central Business.](#)
- f. Landmark: A building or structure meeting one or more of the criteria outlined in Section 17.15.7 of this Article.
- g. Minor Additions: A deck, patio, porch, accessory storage building, garage, [fence, wall, railing,](#) etc.